

SENATE No. 1422

The Commonwealth of Massachusetts

PRESENTED BY:

Brian A. Joyce

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act authorizing the leasing of ice rinks owned by the Commonwealth.

PETITION OF:

NAME:

Brian A. Joyce

DISTRICT/ADDRESS:

Norfolk, Bristol and Plymouth

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT AUTHORIZING THE LEASING OF ICE RINKS OWNED BY THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding section 54 of chapter 7 of the General Laws, the division
2 of capital asset management and maintenance, on behalf of and in consultation with the
3 department of conservation and recreation, is hereby authorized, notwithstanding sections 40E to
4 40I, inclusive, of chapter 7 of the General Laws and using such competitive proposal process as
5 the commissioner of said division deems necessary or appropriate, to lease and enter into other
6 agreements, for terms not to exceed 25 years, to or with 1 or more offerors who participate in
7 that process, so as to provide for the continued use, operation, maintenance, repair and
8 improvement of the following state-owned structures and facilities together with the land and
9 appurtenances associated therewith: Emmons Horrigan O'Neill Memorial Rink, Charlestown;
10 Devine Memorial Rink, Dorchester; Porazzo Memorial Rink, East Boston; Bajko Memorial
11 Rink, Hyde Park; Steriti Memorial Rink, Boston; Murphy Memorial Rink, South Boston;
12 LoConte Memorial Rink, Medford; Flynn Memorial Rink, Medford; Ulin Memorial Rink,
13 Milton; Shea Memorial Rink, Quincy; Cronin Memorial Rink, Revere; Veterans Memorial Rink,
14 Somerville; and Connell Memorial Rink, Weymouth, all of which hereinafter referred to as the
15 properties; provided, however, that the division of capital asset management and maintenance, in

consultation with the department of conservation and recreation shall prefer any proposal submitted by the city or town where the rink or rinks are located, or by a non-profit organization within the city or town where the rink or rinks are located, which complies with the requirements of this section

There shall be an option for renewal or extension for operations and maintenance services not exceeding an additional 5 years. Such renewal or extension shall be at the discretion of the division of capital asset management and maintenance in accordance with the original contract terms and conditions or contract terms and conditions more favorable to the state. All leases must contain a provision that requires the lessee to carry comprehensive general liability insurance with the commonwealth named as a co-insured, protecting the commonwealth against all personal injury or property damage within the rink or on the land during the term of the lease.

Such leases and other agreements shall be on terms acceptable to the commissioner of the division of capital asset management and maintenance after consultation with the commissioner of the department of conservation and recreation, and, notwithstanding any general or special law to the contrary, shall provide for the lessees to manage, operate, improve, repair and maintain the properties. Any such leases or other arrangements requiring capital improvements to be made to any buildings or surface areas shall include a description of the required capital improvements and, at a minimum, performance specifications. Such leases and other agreements shall provide that any benefits to the commonwealth and the costs of improvements and repairs made to the properties provided by the tenants or the recipients of the properties shall be taken into account as part of the consideration for such leases or other agreements. The division, in consultation with the department, shall structure each lease or other agreement to minimize

disturbance of the current rights of any tenants who may currently use any part of the rink or adjoining facilities, whether under a written lease or other arrangement. All consideration received from the leases or other agreements shall be payable to the department of conservation and recreation for deposit into the General Fund. The lessees of said properties shall bear all costs deemed necessary or appropriate by the commissioner of the division of capital asset management and maintenance for the transaction, including without limitation, all costs for legal work, survey, title and the preparation of plans and specifications.

(b) The division of capital asset management and maintenance, in consultation with and on behalf of the department of conservation and recreation, shall solicit proposals through a request for proposals which shall include key contractual terms and conditions to be incorporated into the contract, including but not limited to (1) a comprehensive list of all rinks operated by the responsive bidder or offeror in the last four years, (2) other facilities management or experience of the responsive bidder or offeror, (3) other skating or hockey management experience of the responsive bidder or offeror, (4) a residential discount program, (5) reservation policies, (6) proposed reasonable rates that will ensure continued public access, (7) required financial audits, (8) policies to encourage use of the rink by persons of all races and nationalities, (9) safety and security plans, (10) seasonal opening and closing dates, (11) hours of operation and (12) how the operator will satisfy the following ice time allocation guidelines. Ice time at rinks under the jurisdiction of the division of urban parks and recreation shall be allocated to user groups in the following priority order: general public skating; non-profit youth groups; school hockey; youth groups other than non-profit youth groups; and adult organizations or informal groups. Ice time may be allocated at the discretion of the operator, provided that general public skating shall be booked at a minimum of 12 hours per week, with a range of times and days which reasonably

allow for public skaters of all ages to participate in some public skating sessions. Every effort shall be made to balance the ice allocation needs of long-established youth organizations and newly formed youth organizations in a manner that provides equal opportunity and equal access for youths of each gender.

The inspector general shall review and approve any request for proposal issued by the division before issuance.

(c) It shall be a mandatory term of any request for proposals issued by the commissioner and of any contract entered into by the commonwealth with any party regarding the subject matter of this section that any party which has entered into a contract pursuant to this section with the commonwealth shall require, in order to maintain stable and productive labor relations and to avoid interruption of the operation of the rinks and to preserve the safety and environmental conditions of those rinks, that all employees currently working on the operation and maintenance of the rinks be offered employment by any party entering into a contract pursuant to this section. Upon the execution of any agreements authorized by this section, the department of conservation and recreation shall reassign or relocate those employees who do not accept employment with the lessor, to comparable positions within the department subject to applicable collective bargaining agreements.

(d) The provisions of any general or special law or rule or regulation relating to the advertising, bidding or award of contracts, to the procurement of services or to the construction and design of improvements shall not be applicable to any selected offeror which is awarded a contract pursuant to this section, except as provided in this section.